



Planning and Development Acts 2000 to 2019

Planning Authority: Galway County Council

Planning Register Reference Number: 20/120

Appeal by Peter and Margaret O'Neill care of Gearoid Geraghty and Company of Mountbellew, County Galway against the decision made on the 26th day of March, 2020 by Galway County Council to grant subject to conditions a permission to Richard Flynn care of Ruane Survey, Design and Planning Limited of Fohenagh, Ahascragh, Ballinasloe, County Galway in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention of a sheep shed, permission to construct extension to same sheep shed to include effluent tank, and construction of a grain storage shed to include concrete apron, and all associated works, all at Menlough Eighter, Menlough, County Galway.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the established agricultural use of the site, the nature, scale and appearance of the development for retention and the proposed development, the nature of the receiving environment, the pattern of development in the vicinity and the provisions of the Galway County Development Plan 2015-2021, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity. The development proposed to be retained and the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority within three months of the date of this Order and the development shall be retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The structures shall be used only in strict accordance with a management schedule which shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this Order. The management schedule shall be in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017, as amended by S.I. 65 of 2018, and shall provide at least for the following:
 - (a) details of the number and types of animals to be housed,
 - (b) the arrangements for the collection, storage and disposal of slurry, and
 - (c) arrangements for the cleansing of the buildings and structures (including the public road, where relevant).

Reason: In order to avoid pollution and to protect residential amenity.

3. All foul effluent and slurry generated by the development shall be conveyed through properly constructed channels to the proposed storage facilities, and no effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or onto the public road.

Reason: In the interest of public health.

4. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to adequate soakpits and shall not discharge or be allowed to discharge to the slurry storage tanks or to the public road.

Reason: In order to avoid pollution and to ensure that the capacity of effluent and storage tanks is reserved for their specific purposes.

5. Slurry generated by the development shall be disposed of by spreading on land, or by other means acceptable in writing to the planning authority. The location, rate and time of spreading (including prohibited times for spreading) and the buffer zones to be applied shall be in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017, as amended by S.I. 65 of 2018.

Reason: To ensure the satisfactory disposal of water material, in the interest of amenity, public health and to prevent pollution of watercourses.

6. A minimum of 18 weeks storage shall be provided in the underground storage tank. Within three months of the date of this Order, details showing how it is intended to comply with this requirement shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of environmental protection and public health.

7. Details of the materials, colours and textures of all the external finishes to the development shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this Order.

Reason: In the interest of visual amenity.

Dave Walsh

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2020.